

REMARKS

Claims 1, 2, 8, and 9 have been amended, and claims 5, 6, 12, 13, 16, 18-21 and 24-29 have been cancelled without prejudice or disclaimer. Claims 1-4, 7-11, 14, 15, 17, 22 and 23 are pending and under consideration. No new matter is presented in this Amendment. Claims 1, 8 and 22 are the independent claims.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-14, 22-24, and 28-29 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kondo, U.S. Patent No. 5,177,720.

Applicants respectfully traverse this rejection for at least the following reasons.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites an optical information storage medium, comprising: a user data area for recording user data; and an area other than the user data area, comprising: a reproduction-only area; and a recordable area wherein disk state data is recorded in the recordable area when a recording of a predetermined data is completed, wherein the disk state data includes at least one of an address of a predetermined area of an optimum power control (OPC) area, an address of a predetermined area of a drive data area, and data representing whether an additional recording is possible after the recording of user data is completed.

Kondo discloses a disc recording system wherein program information is recorded program by program separately and with interruption, and a table of content (TOC) information is recorded after all the programs have been recorded, thus saving time for collecting position information necessary for producing TOC information and shortening recording time (column 1, lines 54-69 and column 2, lines 1-17). To achieve this object, Kondo discloses storing position information when program information is recorded program by program separately with interruption (column 7, lines 27-53). This intermediate information is information necessary for the generation of the TOC information (column 7, lines 59-65).

In other words, Kondo discloses a method for saving processing time when recording a TOC at the end of the recording of several programs on a disc by recording intermediate information after the recording of each different program. That is, Kondo discloses recording partial information of the TOC after recording each program and using all of the partial

information after completing the disc to form a final TOC. Therefore, Kondo does not teach or suggest a recordable area wherein disk state data is recorded in the recordable area when a recording of predetermined data is completed, Kondo simply teaches recording partial information each time a program is recorded.

Furthermore, it is noted that Kondo does not teach or suggest that the disk state data includes at least one of an address of a predetermined area of an optimum power control (OPC) area, an address of a predetermined area of a drive data area, and data representing whether an additional recording is possible after the recording of user data is completed

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. § 102(b) should be withdrawn because Kondo fails to teach or suggest each feature of independent claim 1.

Furthermore, Applicants respectfully assert that dependent claims 2-4 and 7 are allowable at least because of their dependence from claim 1, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 2-4 and 7 also distinguish over the prior art. Regarding the rejection of claims 5 and 6, it is noted that claims 5 and 6 have been cancelled without prejudice or disclaimer, thus rendering the rejection of claims 5 and 6 moot.

Regarding the rejection of independent claim 8, it is noted that claim 8 recites a method of recording data on an optical information storage medium in which a reproduction-only area and a recordable area are included in an area other than a user data area, the method comprising: recording user data in the user data area; and recording disk state data in the recordable area included in the area other than the user data area, if a recording of user data is completed, wherein the disk state data includes at least one of an address of a predetermined area of an optimum power control (OPC) area, an address of a predetermined area of a drive data area, and data representing whether an additional recording is possible after the recording of user data is completed.

As noted above, Kondo does not teach or suggest recording disk state data in the recordable area included in the area other than the user data area, when a recording of predetermined data is completed. Kondo simply discloses writing partial data or partial information related to the most recently recorded program and utilizing all this partial data or

information, once the disc has been completed to form a TOC.

Accordingly, Applicants respectfully assert that the rejection of claim 8 under 35 U.S.C. § 102(b) should also be withdrawn because Kondo fails to teach or suggest each feature of independent claim 8.

Furthermore, Applicants respectfully assert that dependent claims 9-11 and 14 are allowable at least because of their dependence from claim 8, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 9-11 and 14 also distinguish over the prior art. Regarding the rejection of claims 12 and 13, it is noted that claims 12 and 13 have been cancelled without prejudice or disclaimer, thus rendering the rejection of claims 12 and 13 moot.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites a method of accessing an area on an optical storage medium where new user data is to be recorded, comprising: recording, in a predetermined area of the optical storage medium, data about a disk state, when a recording of user data is completed, wherein the data about the disk state includes at least one of an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, an address of an area containing most recently recorded user data, and data representing whether an additional recording is possible after the recording of user data is completed; and when new user data is to be recorded, accessing an area on the optical storage medium where the new user data is to be recorded, using recorded data about the disk state.

As noted above, Kondo does not teach or suggest recording, in a predetermined area of the optical storage medium, disk state data, when a recording of user data is completed. Kondo simply discloses writing partial data or partial information related to the most recently recorded program and utilizing all this partial data or information, once the disc has been completed to form a TOC.

Accordingly, Applicants respectfully assert that the rejection of claim 22 under 35 U.S.C. § 102(b) should also be withdrawn because Kondo fails to teach or suggest each feature of independent claim 22.

Furthermore, Applicants respectfully assert that dependent claim 23 is allowable at least

because of its dependence from claim 22, and because it includes additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claim 23 also distinguishes over the prior art. Regarding the rejection of claim 24, it is noted that claim 24 has been cancelled without prejudice or disclaimer, thus rendering the rejection of claim 24 moot.

Regarding the rejection of claims 28 and 29, it is noted that claims 28 and 29 have been cancelled without prejudice or disclaimer, thus rendering the rejection of claims 28 and 29 moot.

Claims 1, 8, 15, 17, 19, and 25 have been rejected under 35 U.S.C. §102(b) as being anticipated by Fukushima et al., U.S. Patent Application Publication No. 2001/0036136.

Applicants respectfully traverse this rejection for at least the following reasons.

Regarding the rejection of independent claim 1 and 8 it is noted that these claims recite an optical information storage medium and a method of recording data comprising, amongst other novel features, disk state data including at least one of an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, and data representing whether an additional recording is possible after the recording of user data is completed.

Fukushima discloses an optical disc 101, as shown in FIG. 1, including a disc information area 104 and a data area 105. In the disc information area 104 (204, shown in FIG. 2), various parameters required to access the optical disc 101 are recorded, including guard areas 205, as shown in FIG. 2, a disc test area 106 used for testing the quality of the optical disc 101 in a production process, a drive test area 207 used by an optical disc apparatus for checking the state of the optical disc 101 mounted on the optical disc apparatus, a disc ID area 206 used for recording information on various characteristics of the optical disc 101, and a defect management area 209 for recording defect management information.

The cited paragraph [0204] of Fukushima only refers to the recording power adjustment and the update of drive information. Specifically, the recording power condition acquired is used by the recording power adjusting processing section 573, as shown in FIG. 12, to update the drive information. However, the drive information as described by Fukushima is not, and cannot be interpreted to correspond to Applicants' claimed "disk state data" if a recording of user data is completed. This is because the drive information of Fukushima is the same drive information

recorded in a drive zone, as shown in FIG. 1, which is completely different from Applicants' claimed "disk state data" which includes, for example, an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, an address of an area containing most recently recorded user data, and data representing whether an additional recording is possible after the recording of user data is completed.

Accordingly, Applicants respectfully assert that the rejection of claims 1 and 8 under 35 U.S.C. § 102(b) should also be withdrawn because Fukushima fails to teach or suggest each feature of independent claims 1 and 8.

Furthermore, Applicants respectfully assert that dependent claims 15 and 17 are allowable at least because of their dependence from claims 1 and 8, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 15 and 17 also distinguish over the prior art.

Regarding the rejection of claims 19 and 25, it is noted that claims 19 and 25 have been cancelled without prejudice or disclaimer, thus rendering the rejection of claims 19 and 25 moot.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 16, 18, and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima.

Applicants respectfully traverse this rejection for at least the following reasons.

Claims 16, 18 and 26 have been cancelled without prejudice or disclaimer, thus rendering the rejection of claims 16, 18 and 26 moot.

Claims 19-21, 24, 25 and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo in view of Fukushima.

Applicants respectfully traverse this rejection for at least the following reason.

Claims 19-21, 24, 25 and 27 have been cancelled without prejudice or disclaimer, thus rendering the rejection of claims 19-21, 24, 25 and 27 moot.

CONCLUSION

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC office at (202) 216-9505. Applicants respectfully reserve all rights to file subsequent related application(s) (including reissue applications) directed to any or all previously claimed limitations/features which have been amended or canceled, or to any or all limitations/features not yet claimed, i.e., Applicants have no intention or desire to dedicate or surrender any limitations/features of the disclosed invention to the public.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 5/29/07

By: Douglas X. Rodríguez
Douglas X. Rodríguez
Registration No. 47,269

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-951